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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
		PARKES	B 6955

PM11/0406

EXAMINER
BUCCI, D

ART UNIT	PAPER NUMBER
3617	10

DATE MAILED: 04/06/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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11/21/96 PARNES

B 6955

EXAMINER

PM11/0316

PART UNIT

PAPER NUMBER

IMBELL  
SOMMERS  
BOULEVARD  
MILLS CA 90212

3617

DATE MAILED:

mailed 4/6/98  
03/16/98

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 1-20-1998 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s),        days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.                 | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/>   |

**Part II SUMMARY OF ACTION**

1. ☒ Claims 1-20 are pending in the application.  
Of the above, claims 6, 7, and 17-20 are withdrawn from consideration.
2. ☐ Claims        have been cancelled.
3. ☐ Claims        are allowed.
4. ☒ Claims 1-5 and 8-16 are rejected.
5. ☐ Claims        are objected to.
6. ☐ Claims        are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on       . Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on       , has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed       , has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no.       ; filed on       .
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

**EXAMINER'S ACTION**

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1. Applicant's election without traverse of the species of Figs. 1 and 6A in Paper No. 7 and 9 is acknowledged.

2. Claims 6, 7, and 17-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected species. Election was made **without** traverse in Paper No. 7 and 9.

Although applicant has indicated that claims 1 and 3-20 read upon the elected species the Examiner is acting upon claim 2 as it is generic and withdrawing claims 6, 7 and 17-20 as they do not read upon the species of Figs. 1 and 6A.

3. The specification is objected to because of the following informalities;

the title is not descriptive of the invention;

on page 6, line 18, "mot" should be --motion--;

on page 13, line 6, "ingure" should be --in figure--;

and on line 2 of claim 15 "mot" should be --motion--.

Correction is required.

4. The drawings are objected to because the reference numeral 31 referred to on line 3 of page 12 and the reference numeral 67 referred to on line 11 of page 15 are not shown in the drawing figures;

and Figs. 6A, 6F, 7A, and 8 improperly include two embodiments in a single figure.

Correction is required.

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5. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is indefinite because it fails to correlate the location of the deck-plates relative to any of the previously claimed structure.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 2, 5, 8, 11, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jinks et al in view of Sanderson.

Jinks et al show an apparatus comprising: a fork lift with prongs 15 or 170 for lifting loads from either side of a vehicle and a prong displacing mechanism such as 27,28. Sanderson teaches

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the usage of extendible prongs 16 on a fork lift. To modify the apparatus of Jinks et al so as to utilize extendible prongs on the fork lift would have been obvious to one of ordinary skill in the art in view of the teachings of Sanderson as it would permit extending the prongs to either side of a fork mast.

Re claim 5, as broadly claimed, the prongs of Jinks et al are pivotal.

9. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jinks et al in view of Sanderson as applied to claims 1, 2, 5, 8, 11, 14 and 16 above, and further in view of Cradeur et al.

Cradeur et al teach the providing of a vehicle with strut poles 26. To modify the apparatus of Jinks et al so as to include four strut poles, as claimed, would have been obvious to one of ordinary skill in the art in view of the teachings of Cradeur et al that is old and well known in the art to provide strut poles or outriggers along a load lifting side of a vehicle to prevent the vehicle from tipping.

Re claim 15, Cradeur et al show and render obvious the inclusion of front and rear pistons 80o,80p as broadly claimed.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jinks et al in view of Sanderson as applied to claims 1,2,5,8,11,14 and 16 above, and further in view of Miller.

Miller teaches the usage of retractable deck plates 19 on a vehicle to support a load raised by prongs 18. To modify the apparatus of Jinks et al so as to provide the load supporting members with retractable deck plates would have been obvious to one of ordinary skill in the art

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in view of the teachings of Miller as it would facilitate placement of the load in a desired position on the vehicle.

11. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jinks et al in view of Sanderson as applied to claims 1, 2, 5, 8, 11, 14 and 16 above, and further in view of Bliss.

Bliss teaches the usage of cylinders 76 to move prong supporting uprights 74 along a beam. To modify the apparatus of Jinks et al so as to include cylinders to move the prong supporting uprights along the beam 55 would have been obvious to one of ordinary skill in the art in view of the teachings of Bliss that it is old and well known in the art to adjustably position prongs in such a manner.

12. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jinks et al in view of Sanderson as applied to claims 1, 2, 5, 8, 11, 14 and 16 above, and further in view of Cusack.

Cusack teaches the usage of sprocket wheels 66 and sprocket bars 68 to move masts. To modify the apparatus of Jinks et al so as to utilize sprocket wheels and sprocket bars, as claimed, to move the masts would have been obvious to move the mast would have been obvious to one of ordinary skill in the art in view of the teachings of Cusack as it would have merely involved the usage of and old and well known mast moving arrangement.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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14. Any inquiry concerning this communication should be directed to D. Bucci at telephone number (703) 308-1113.

Bucci/oc  
March 12, 1998

 - 3/13/98  
DAVID A. BUCCI  
PATENT EXAMINER  
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